

City of Selah  
Council Minutes  
January 14, 2020

Regular Meeting  
Selah Council Chambers  
115 West Naches Avenue  
Selah, WA 98942

- A. Call to Order Mayor Raymond called the meeting to order at 5:30pm.
- B. Roll Call
- Members Present: Kevin Wickenhagen; Jacquie Matson; Jeremy Burke; Roger Bell; Russell Carlson; Clifford Peterson
- Members Absent: None
- Staff Present: Rob Case, City Attorney; Dale Novobielski, Clerk/Treasurer; Rick Hayes, Police Chief; Gary Hanna, Fire Chief; Jim Lange, Deputy Fire Chief; Jeff Peters, Community Development Supervisor; Monica Lake, Executive Assistant

- C. Councilmember Absence – Motion to Excuse **None**

- D. Pledge of Allegiance

Council Member Peterson led the Pledge of Allegiance.

- E. Invocation

Police Chief Hayes gave the prayer.

\*\*\*Swearing In of Council Members and Mayor\*\*\*

Clerk/Treasurer Novobielski swore in Council Members Wickenhagen, Burke, Peterson, Bell and Carlson.

Clerk/Treasurer Novobielski swore in Mayor Raymond.

- F. Agenda Changes

1. Remove N – 4; N – 5; N – 6; N – 7

- G. Public Appearances/Introductions/Presentations

1. Introduction of new Police Officer

Police Chief Hayes stated that his officer was unable to attend the meeting.

- H. Getting To Know Our Businesses **None**

I. Communications

1. Oral

Mayor Raymond opened the meeting.

Tiffany Hein, Selah Downtown Association (SDA), approached the podium and addressed Council. She introduced Patty Ferguson, owner of Selah Green Gardens, as the new chairman of the SDA. She said that the facade grant opens January 21; they have already advertised and distributed some applications. She remarked that the beautification grant would be opening in April, and that they would also have the Selah Sip & Stroll in April, an opportunity for businesses to partner with food, wine and beverage businesses to get people out shopping. She went on to say that there will be twenty-one flowerpots put out during the annual May cleanup day, they are working with Recreation Manager Morales on the 4<sup>th</sup> of July event, and that other events of note for 2020 include Spirit Week in September, Halloween in October, the award ceremony in November, and lights and decorations in December.

**Council Member Carlson moved, and Council Member Burke seconded, to allow two addition minutes to speak. By voice vote, approval was unanimous.**

Ms. Hein said that April six through eight the Washington Main Street program is putting on a Revitalize Washington conference, which public officials can attend, and requested that if the Mayor, Council Members or the City Administrator were interested in attending to contact her.

Mayor Raymond asked where the conference would be held.

Ms. Hein replied that it would be in Wenatchee.

Council Member Matson requested that she explain the difference between facade and beautification.

Ms. Hein explained that the façade grant deals with the building itself, while beautification deals with landscape and design. She added that they were going to extend the boundaries because their borders include a lot of historic homes on Third Street, which would be eligible for restoration.

Council Member Bell commended Ms. Hein for the reports she brought to Council from the SDA.

City Administrator Wayman agreed that she was doing a great job.

Seeing no one else rise to speak, Mayor Raymond then closed the meeting.

2. Written **None**

J. Proclamations/Announcements **None**

K. Consent Agenda

Executive Assistant Lake read the Consent Agenda.

All items listed with an asterisk (\*) were considered as part of the Consent Agenda.

- \* 1. Approval of Minutes: December 10, 2019 Council Meeting
- \* 2. Approval of Claims and Payroll:
  - Payroll Checks Nos. 83248 – 83265 for a total of \$236,249.79
  - Payroll Checks Nos. 83266 – 83285 for a total of \$299,104.54
  - Payroll Checks Nos. 83286 – 83351 for a total of \$249,435.01
  - Claim Checks Nos. 74150 – 74220 for a total of \$518,401.71
  - Claim Checks Nos. 74222 – 74286; 74306 for a total of \$231,923.84
  - Claim Checks Nos. 74221; 74287 – 74305 for a total of \$369,747.93
- \* 3. Resolution N – 3: Resolution Establishing January 28, 2020, as the date for a Public Hearing to Consider the Proposed “McLain” Annexation (File Number: Annex 2020-001)

**Council Member Bell moved, and Council Member Wickenhagen seconded, approval of the Consent Agenda as read. By voice vote, approval was unanimous.**

L. Public Hearings

- 1. Closed Record Public Hearing to consider the City of Selah Planning Commission’s Recommendation regarding a Class 3 Review, Nonconforming Use, Administrative Adjustment, and State Environmental Checklist applications for the construction of a new primary school

Community Development Supervisor Peters addressed L – 1. He stated that this was a closed record hearing on a Class III review application for construction of the new John Campbell elementary school, and that the Planning Commission conducted an open record hearing December 3, 2019 and recommended approval subject to the conditions included in the Council packet. He said that condition number twenty-one would look a little different than what was in the Planning Commission’s recommendations and approval, as language was added that gave the City and the Selah School District (SSD) a little bit of working room for the Public Works Director to work with the SSD on construction issues that could delay things, although the other conditions remain unchanged.

Council Member Carlson wondered if it was modified before, during, or after the Planning Commission meeting.

Community Development Supervisor Peters responded that it was done immediately after.

Council Member Carlson asked if the meeting had concluded at that point.

Community Development Supervisor Peters answered in the affirmative, saying that the SSD recognized at the hearing that the condition was a little strict and questioned it, as did the Planning Commission, with the explanation that the City wished to be a little more guarded with approvals and time frames to complete construction for different portions of the project. He said that Public Works Director Henne felt that, as the Planning Commission was willing to give leeway at the hearing, they would put it into the

Resolution. He noted that it was non-typical, but in this case because it was discussed at the public hearing and this is a closed record public hearing, that Council has the ability to review, modify or accept the conditions as written.

Council Member Carlson wondered if the SSD reviewed and okayed the change.

Community Development Supervisor Peters replied in the affirmative.

Council Member Carlson inquired if it was in response to the delays with the Lince construction project.

Community Development Supervisor Peters answered in the affirmative, saying that the directive from management was that the City wanted to make sure there wouldn't be excessive delays and to have more attention paid to getting improvements in that impact the public.

Mayor Raymond asked if they were having a public hearing.

Community Development Supervisor Peters responded in the affirmative, saying that it was a closed record public hearing, and that only people who could speak were those who spoke at the open record public hearing, which would be the SSD and their representatives.

Mayor Raymond opened the Closed Record Public Hearing.

Brent Harding, NAC Architecture, approached the podium and addressed Council. He stated that he was representing the SSD and offered to answer any questions Council might have.

Council Member Carlson remarked that the community knows about the delays on Third Street, and asked if the SSD had school reviewed and okayed condition twenty-one.

Mr. Harding replied that they had, and that as originally written they felt it didn't allow for any flexibility of extraneous conditions, so they asked the City to consider language that would allow flexibility if a situation should arise.

Council Member Bell wondered if the SSD was okay with the things included that weren't near John Campbell Elementary.

Mr. Harding responded that they've met with city personnel about the parameters and have been assured that City staff would work with the SSD in acquiring grant dollars to pay for the additional work.

Seeing no one else step forward, Mayor Raymond closed the Closed Record Public Hearing.

## 2. Public Meeting to Provide for Council Review and Acceptance of the Final Plat of Ridgeview Heights

Community Development Supervisor Peters addressed L – 2. He said that it was a public meeting to provide Council review and acceptance of the final plat of Ridgeview Heights, giving the history of the project from its original submittal by Hayden Homes through a review of requirements by both the



Public Works and Planning departments, after with they received a letter of substantial completion for the plat. He requested that Council approve the Resolution allowing them to record the plat, adding that there may be some minor items that need to be addressed such as street lights on order or landscaping issues that need to be addressed when a house goes up, along with a couple different items they have yet to complete that aren't substantial to the project. He noted that the Public Works Director noted those in the letter granting them approval of the engineering plans and plans to make corrections and final tweaks to the plat.

City Administrator Wayman remarked that they also had some concerns regarding runoff and mud coming off the project and are ensuring they have silk fencing up for the duration of the project, until landscaping and so on has been put in.

Community Development Supervisor Peters stated that they aren't treating them any differently than any other developer in the City, as all are required to have stormwater controls in place, and that if they violate the stormwater act by discharging dirt and water off their site Ecology would fine them.

City Administrator Wayman requested that he explain the compaction.

Community Development Supervisor Peters gave a brief explanation of the compaction requirements when a development has a lot of earth movement.

Council Member Carlson wondered if someplace that doesn't meet the compaction requirements would eventually arrive at that point.

Community Development Supervisor Peters answered that if doesn't meet they won't pass it, and it then goes back to the developer to deal with. He outlined a few options, adding that they would re-test to show compaction.

Council Member Bell asked if compaction and runoff would be done as each individual lot is developed.

Community Development Supervisor Peters responded in the affirmative, saying that the developer has a plan to go into the lower portion below the retaining wall and sidewalk to tamp it down and seed with hydroseed grass to retain all that dirt when the weather permits, and that depending on how each lot is developed, they could do a number of things, such as hauling dirt away or residential retaining walls for individual lots.

Council Member Bell remarked that he wanted to ensure there was a system to monitor that.

Community Development Supervisor Peters will be partly Code Enforcement Officer Barnett's responsibility and partly the owner's, as the owner is responsible for maintaining it until sold, and will move or step back siltation devices out of developed portions as each lot is developed.

Council Member Carlson wondered about dirt going down Crusher Canyon during a rainstorm.

City Administrator Wayman remarked that the fencing isn't one hundred percent, but for an average rainfall it should hold.

Community Development Supervisor Peters stated that they would treat them like any other development that violates the stormwater act, adding that Code Enforcement Officer Barnett has all these developments on her radar screen along with a list of active construction sites, and there would be changes in how the City has to deal with stormwater quality requirements.

City Administrator Wayman remarked that the requirements are getting more stringent at the municipal level, and it's more incumbent upon them to pay more attention and devote more resources to it.

Council Member Burke commented that the northwest corner doesn't abut to a city street but is just as tall a section along Crusher Canyon, asking if they would be following up with that.

Community Development Supervisor Peters responded that what was on the plan was what they're going to do, adding that he knows that particular property owner has been in contact with them but it's outside the City's purview. He said that had the property owner come in during the preliminary plat process and made a point about the grading and how it was developed they would have addressed it at that time, but they didn't come in.

Council Member Burke wondered if there was a way to put in a condition even though the property owner didn't come in at that time.

Community Development Supervisor Peters replied that, per State law, once they have preliminary plat approval and the conditions of approval, they're only bound to complete just those. He noted that all they could do at this time was to make HLA aware of that concern.

Council Member Carlson inquired how they could prevent something like that in the future, as while landowners are notified they can't expect them to be experts.

Community Development Supervisor Peters replied that there is a construction standards document with angles that they meet.

City Administrator Wayman stated that they are meeting the requirement.

Council Member Carlson asked if they were meeting the minimum standards.

City Administrator Wayman replied that he didn't know if it was the minimum but they were meeting the requirements.

Council Member Carlson asked again if they were meeting the minimum.

Community Development Supervisor Peters answered that they were meeting the City's requirement.

Council Member Carlson wondered how they could solve that in the future so landowners nearby know how they would be affected since they can't see the vision the builder sees, and how could they educate the property owners.

Community Development Supervisor Peters replied that the solution is to ask the engineering contractors to design a construction standard different than what is currently on the books to bring to the Planning Commission for review, then to Council for review and adoption. He reminded Council that he can only enforce development regulations that are in the municipal code, and per State law there's only a certain window of opportunity in the development process to take input and consider outside development standards, saying that it's unfortunate that person didn't come talk to them, but the developer could be handling their concerns outside of this process. He recommended acceptance of the Resolution.

Council Member Carlson inquired as to the timeline on completing the non-home being built requirement conditions such as light poles.

Community Development Supervisor Peters replied that the light poles were supposed to be delivered and installed sometime this week.

Council Member Carlson wondered if there were other conditions that don't require a home to be built to satisfy them.

Community Development Supervisor Peters answered in the negative, saying that the other conditions are more aesthetic that the developer elected to do as extra items, and they didn't want to see a lot of stormwater leaving the site and carrying dirt down the road so they are doing things above and beyond plat approval, but all hard and fast infrastructure was completed.

Mayor Raymond asked if anyone from public like to speak. Seeing no one rise to speak, she moved on.

#### General Business

##### 1. New Business

##### a. Selection of Mayor Pro Tempore for Calendar Year 2020

Mayor Raymond opened the floor for nominations.

**Council Member Carlson nominated Council Member Burke.**

**Council Member Matson nominated Council Member Bell.**

City Administrator Wayman suggested asking for a second on the first nomination.

Mayor Raymond asked if there was a second on the nomination.

**Council Member Peterson seconded the nomination of Council Member Burke for Mayor Pro Tempore. Roll was called: Council Member Wickenhagen – no; Council Member Matson – no; Council Member Burke – yes; Council Member Peterson – yes; Council Member Carlson – yes. Motion tied with three yes votes and three no votes.**

**Mayor Raymond cast the tie-breaking vote, voting no because they had other nominations.**

Mayor Raymond stated that they also had a nomination from Council Member Matson for Council Member Bell.

**Council Member Wickenhagen seconded the nomination of Council Member Bell for Mayor Tempore. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Carlson – no. Motion passed with five yes votes and one no vote.**

Mayor Raymond announced that Council Member Bell would be Mayor Pro Tempore for 2020.

b. Board and Committee Assignments for Calendar Year 2020

Mayor Raymond read through the list of board and committee assignments. Council Members were assigned as follows: Finance Committee – Council Members Carlson, Matson, and Wickenhagen; Volunteer Park Committee – Council Member Wickenhagen; Lodging Tax Advisory Committee and Selah Tourism Promotion Board – Council Member Carlson; Yakima Valley Conference of Governments – Council Member Matson; Yakima Valley Visitors & Convention Bureau – Council Member Wickenhagen; Selah Parks & Recreation Service Area Board – Council Member Bell; Fire Commissioners Board and Volunteers Firefighters Board – Mayor Raymond and Council Member Bell; Selah Chamber of Commerce – Council Member Bell; Selah School District – Council Member Burke; Naches-Selah Irrigation District Voting Member – Mayor Raymond; Selah Downtown Association – Council Member Carlson.

2. Old Business **None**

N. Resolutions

1. Resolution approving a Class 3 Review, Nonconforming Use, Administrative Adjustment, and State Environmental Checklist applications to Construct a New Primary School at 408 N. 1st Street, Selah WA, 98942 (John Campbell) for the Selah School District (SEPA-2019-009, ADJ-2019-006, CL3-2019-002, & NCF-2019-001)

Community Development Supervisor Peters addressed N – 1. He said that this Resolution approves the is Class II review for the John Campbell elementary school construction and recommended approval.

**Council Member Carlson moved, and Council Member Bell seconded, to Approve the Resolution approving a Class 3 Review, Nonconforming Use, Administrative Adjustment, and State Environmental Checklist applications to Construct a New Primary School at 408 N. 1st Street, Selah WA, 98942 (John Campbell) for the Selah School District (SEPA-2019-009, ADJ-2019-006, CL3-2019-002, & NCF-2019-001). Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

2. Resolution Approving the Final Plat of “Ridgeview Heights and Authorizing the Mayor to sign the Final Plat

Community Development Supervisor Peters addressed N – 2. He said that this was the Resolution approving the final plat.

**Council Member Matson moved, and Council Member Peterson seconded, to Approve the Resolution Approving the Final Plat of “Ridgeview Heights and Authorizing the Mayor to sign the Final Plat. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

- \* 3. Resolution Establishing January 28, 2020, as the date for a Public Hearing to Consider the Proposed “McLain” Annexation (File Number: Annex 2020-001)
- ~~4. Resolution authorizing the Mayor to sign a “Fuel Tax Grant Distribution Agreement” with the Washington State Transportation Improvement Board (“TIB”) for the City’s forthcoming sidewalk improvements along West Goodlander Road, which is TIB project number P-E-182(P01)-1~~
- ~~5. Resolution authorizing the Mayor to sign “Task Order No. 2020-01” between the City of Selah and HLA Engineering and Land Surveying, Inc., thus engaging HLA to provide engineering design services for the City’s forthcoming sidewalk improvements along West Goodlander Road, which is TIB project number P-E-182(P01)-1~~
- ~~6. Resolution authorizing the Mayor to sign a “Fuel Tax Grant Distribution Agreement” with the Washington State Transportation Improvement Board (“TIB”) for the FY 2021 Overlay Project, Multiple Locations, which is TIB project number 3-E-182(005)-1~~
- ~~7. Resolution authorizing the Mayor to sign Task Order No. 2020-02 Between the City of Selah and HLA Engineering and Land Surveying Inc. to provide engineering design services for the West Goodlander Road Improvements, TIB project number 3-E-182(005)-1~~
8. Resolution authorizing the Mayor to sign an addendum to the currently in effect “Interlocal Agreement Between the City of Sunnyside, Washington and the City of Selah, Washington, for the Housing of Inmates”, which addendum will be “Addendum II” to such Interlocal Agreement and which will establish a new, slightly higher daily bed rate charged by Sunnyside to Selah for the calendar year of 2020

Police Chief Hayes addressed N – 8. He said that the City of Sunnyside has raised their rates, and that although it got lost on his desk prior to the 2020 budget, it isn't going to hurt the Police Department’s budget as they don’t ever go over the Sunnyside jail budget.

City Administrator Wayman inquired as to why that was.

Police Chief Hayes replied that they would love to use them more, but when someone is booked at the Yakima County jail with multiple charges they can't move them to Sunnyside until other charges are cleared, so they pay a higher rate until the others clear. He said that, in addition, the County has a rule that they can deem a prisoner a problem prisoner, and if they do then they charge us more for it.

Council Member Carlson asked if they catch someone with more charges they pay a higher rate.

Police Chief Hayes responded that if they catch them they can drive them to Sunnyside, but if anyone else arrests them they book to the County jail. He noted that they could play the game and not confirm warrants but they need to go to jail if deserved.

Council Member Burke asked if jurisdictions share costs.

Police Chief Hayes answered that if they have felony charges he thinks they get charged, although he wasn't really sure.

City Administrator Wayman commented that they have gotten a lot better at questioning charges, especially the medical issues.

Council Member Burke wondered if they were pushing back on the high-risk higher rate people.

Police Chief Hayes replied that it's written in the contract that they can determine that, and while it's something they could discuss, they aren't the ones taking care of those booked into jail.

City Administrator Wayman remarked that the interlocal agreement was always up for discussion, although he doesn't know how they could question their judgment.

Council Member Burke said that he wondered because they push back on the medical ones.

Police Chief Hayes responded that if they deem someone a problem child then the County charges ninety-eight dollars a day, double what they would pay at Sunnyside, so he has Animal Control Officer Knox monitor the inmates at County and move a single payer to Sunnyside. He went on to say that if they are moved to Sunnyside then Animal Control Officer Knox has to drive to Sunnyside on court days to bring them to Selah for court, so they're trying to move them around to the best place along with opening up home detention to more people.

City Administrator Wayman noted they didn't plan to charge people the daily fee for using the home detention bracelet.

Police Chief Hayes added that of the sixteen-dollar fee, they pay eight dollars, and that people could be placed on home detention if they meet the qualifications.

Council Member Burke asked if they could look into whether they were being billed full cost on dual agency holds and if the County was getting a double rate on some inmates.

Police Chief Hayes remarked that Sunnyside won't take problem children or women.



**Council Member Burke moved, and Council Member Wickenhagen seconded, to Approve the Resolution authorizing the Mayor to sign an addendum to the currently in effect “Interlocal Agreement Between the City of Sunnyside, Washington and the City of Selah, Washington, for the Housing of Inmates”, which addendum will be “Addendum II” to such Interlocal Agreement and which will establish a new, slightly higher daily bed rate charged by Sunnyside to Selah for the calendar year of 2020. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

O. Ordinances

1. Ordinance Adopting a new public street standard detail for Local Access Streets with single frontage development into the “City of Selah’s Design, Construction Standards and Specifications for Public Works Improvements” set forth in Selah Municipal Code Chapter 13.01; Providing for Severability; and Establishing an Effective Date

Community Development Supervisor Peters addressed O – 1. He said that this Ordinance was regarding the adoption of a new public street standard design, as one of the things they’ve experienced due to some recent developments over the last three years was that they currently have one street standard in the construction standards document that is designed for a local access street with curb, gutter and sidewalk on one side of street, two lanes of travel and a certain width, but in newer subdivisions being placed in topographically challenging areas, that makes it hard to get a road in. He went on to say that this allowed for a modified street standard with development on only one side of road, eliminating the sidewalk from the side where the road would be abutted into the hillside, to allow development to occur a little more easily in challenged areas. He added that, although no developments have submitted for this, some property owners brought it to their attention, and this gives the development community a little more leeway to develop properties while still providing for all our development needs and requirements for stormwater and retainage.

Council Member Matson commented that the curb, gutter, and sidewalk would be on the opposite side.

Community Development Supervisor Peters said that it would be on the side where the houses were, with lanes at a larger width to allow for on street parking as well.

Council Member Carlson asked if anyone walking from that development onto a main road would have to cross the street at any point.

Community Development Supervisor Peters replied in the negative.

Council Member Carlson wondered if they could stay on a cross walk.

Community Development Supervisor Peters responded that they would look at traffic control standards that would specify that developer would have to do with regard to that.

Council Member Carlson expressed concern about the erosion of the road over time.

City Administrator Wayman responded that there would still be a curb.

Community Development Supervisor Peters added that there would still be a curb and gutter.

Council Member Carlson inquired if they would require grass.

Community Development Supervisor Peters replied that it's not something one does with a road standard, but they could specify that the developer put in grass or shrubs. He added that the intent was not to undercut that bank, and it could be helped by requiring they plant groundcover.

Council Member Carlson saw the need but was still concerned about replacing a sidewalk with weeds or gravel sloping off.

City Administrator Wayman remarked that it would be a building condition, not street design, and that how they were going to control vegetation on a hill could be a condition of plat approval.

Council Member Carlson reiterated that was his concern.

Community Development Supervisor Peters commented that they were talking about a simple road standard.

Council Member Bell asked if this would only apply to property that had no ability to develop on one side of the street.

Community Development Supervisor Peters answered that it would be a plat restriction, and is only for roadways where the developer is proposing development on only one side.

Council Member Bell pointed out that it could mean anything in any development.

Community Development Supervisor Peters responded that the developer had to propose it as part of the development plan, and that they were asking to add this to the standards adopted late last year by Council. He went on to say that they could require covenants and restrictions if a larger lot wasn't being touched because of a hillside, and also place a restriction on the face of the plat itself that would come up in a title report when they sell the property. He noted that the City would also have it in their records and the party wouldn't be allowed to build on that parcel.

Council Member Bell gave a scenario where a developer put in a sidewalk on only one side, then came back five years later to dig out the other side and build houses on that side as well.

Community Development Supervisor Peters replied that they would only be dedicating right of way for curb, gutter and sidewalk on one side with a plat restriction, and the developer would have to do a critical area review for the hillside as well as requiring them to put in a sidewalk on the side not dedicated to the City, which brings the liability back to the City.



Council Member Burke expressed concern that this would be used by a developer to put a road on one side of a property.

Community Development Supervisor Peters replied that theoretically they could propose that, and that while the City wouldn't be legally correct to do a plat restriction on someone else's property, during the approval process they would look at that and possibly put in other conditions of approval or flat-out deny their request.

City Administrator Wayman remarked that if there was no way for them to control use of the other side of the street then they would require them to move the street.

Council Member Carlson expressed concern about loopholes, of which he opined there were many, adding that when Council Member Bell asked a question he received a head nod from the City Administrator and a different answer from Community Development Supervisor Peters.

Community Development Supervisor Peters replied that he wasn't sure what he meant.

Council Member Carlson responded that he could foresee a scenario where someone uses loopholes.

Council Member Wickenhagen remarked that when the parcel on the opposite side was developed the other would be marked for non-development.

Council Member Burke pointed out that it wouldn't work if they don't own the other parcel.

Community Development Supervisor Peters stated that all construction details are subject to review by the Public Works Director, and plat reviews are subject to Council approval. He went on to say that although there are loopholes in every development standard, they have thought this one through and don't see it being used unilaterally across the board; it would simply be a construction standard in Public Works manuals subject to the Public Works Director allowing them to use it, which could certainly be denied.

Council Member Bell commented that he wasn't comfortable with that, and while he liked the wording of the Ordinance, he wanted some kind of assurance that when the situation changes they're going to hold them accountable to the normal standard.

Community Development Supervisor Peters answered that was where plat restrictions come into place.

Council Member Burke opined that it would only apply if they limit the use of it to a developer who puts a road in the center of the subdivision, or at least offset it by five feet from the edge of the plat. He expressed some concern regarding slopes and needing some foresight on what would happen regarding retaining walls and roads.

Council Member Wickenhagen proposed that they create another ordinance that says that any property deemed unbuildable but is now deemed buildable would require the developer to put in a sidewalk.

City Administrator Wayman remarked that they were saying if someone carved out the hillside and made a buildable lot then they would come back and tell them that they need to put in a sidewalk to make it work, that they can't build without a sidewalk.

Council Member Carlson opined that it was interpretation.

City Administrator Wayman responded that it would be reviewed by the Planner and possibly the Planning Commission, then the Council, and while there are loopholes in everything they lean on the Planner, Public Works Director, City Administrator, Planning Commissioners and Council Members when irregular issues come up.

Council Member Carlson said he would like the developer to know that it's an option that could be approved or denied.

Community Development Supervisor Peters replied that they have a very large binder for design standards with the designs in the Appendices, but before all that it gives the Public Works Director control over the designs of city streets. He went on to say that the reason it was brought to Council tonight was that they have that exact situation requested by a developer, and in the current City Ordinance and construction and design standards there is no adoption of this standard, which doesn't allow the Public Works Director to approve a new design standard for use as a tool.

City Administrator Wayman suggested approval if they wish to see the community build around existing topography, or denial if they desire topped off hills and chopped terrain.

Council Member Bell stated that he wasn't opposed to the Ordinance, he was just concerned about the scenario he presented where a developer would utilize this and it would create issues for the City down the road. He added that what he wanted was to know that it would be a requirement that if the situation changes they must re-permit.

Community Development Supervisor Peters responded that they would require the developer to put in a curb, gutter and sidewalk, along with a retaining wall, if the situation warranted. He suggested that they could place a note at the bottom of the construction standard that this may only be applied when both sides of the public street were owned by the proposed developer so they could apply restrictions to the other lot.

Council Member Burke liked the suggestion.

Mayor Raymond asked if Council wished to send it back for modifications.

**Council Member Wickenhagen moved, and Council Member Peterson seconded, to approve the Ordinance Adopting a new public street standard detail for Local Access Streets with single frontage development into the "City of Selah's Design, Construction Standards and Specifications for Public Works Improvements" set forth in Selah Municipal Code Chapter 13.01; Providing for Severability; and Establishing an Effective Date. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – no; Council Member Burke – no; Council Member Peterson – yes;**

**Council Member Bell – yes; Council Member Carlson – no. Motion tied with three yes votes and one no vote. Mayor Raymond cast the tiebreaker vote, voting no. Motion failed.**

Council Member Carlson commented that a simple modification would sway the Council.

Mayor Raymond asked if Council desired to vote to add a modification at the end.

City Administrator Wayman inquired if they could get the language perfected for the modification.

Council Member Burke answered that the proposed language would be ‘this local access option is only available when the developer or property owner owns at least five feet on each side of the roadway or the public right of way’.

Community Development Supervisor Peters was fine with that.

Council Member Burke wondered if that would prohibit use of the option.

Council Member Carlson opined that where the developer only owns one side it would work.

Council Member Burke commented that he just put in the five feet so it wasn’t just any number.

Mayor Raymond asked what would prohibit the property owner from selling that to a new buyer.

Community Development Supervisor Peters responded that it would be a condition of plat approval.

Council Member Burke noted that it allows the City to control that.

**Council Member Burke moved, and Council Member Bell seconded, to approve the Ordinance Adopting a new public street standard detail for Local Access Streets with single frontage development into the “City of Selah’s Design, Construction Standards and Specifications for Public Works Improvements” set forth in Selah Municipal Code Chapter 13.01; Providing for Severability; and Establishing an Effective Date, with the addition of language reading ‘this local access option is only available when the developer or property owner owns at least five feet on each side of the roadway or the public right of way’. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Carlson – yes. By voice vote, approval was unanimous.**

2. Ordinance Amending Section 8.70.020 of the Selah Municipal Code, "Parking Prohibited on Certain Streets", Providing for Severability; and Establishing an Effective Date

Community Development Supervisor Peters addressed O – 2. He said that this Ordinance amended Section 8.70. 020 regarding parking prohibited on certain streets, and was done with regard to the new Lince School to provide for no parking along Third Street and portions of the South side of Bartlett Avenue, to prohibit folks dropping off their kids from parking on Bartlett and to accommodate the reduced road prism due to increased walkability for the school on Third Street. He went on to say that

the Planning Commission held a public hearing at the request of the Public Works department, although one was not required, with notices mailed out to all property owners, and that they had one citizen alone with staff from the school and City staff attend the meeting. He requested that Council approve the Ordinance prohibiting parking along portions of Third Street and Bartlett Avenue.

Council Member Carlson asked if the additions were only Third Street and Bartlett Avenue.

Community Development Supervisor Peters replied in the affirmative.

Council Member Matson asked about the one citizen in attendance.

Community Development Supervisor Peters replied that the citizen who showed up felt that the City should consider no parking on her road in the future.

Council Member Matson asked if Third Street south of Park was listed as no parking.

Community Development Supervisor Peters answered that he believed that was correct.

**Council Member Bell moved, and Council Member Carlson seconded, to approve the Ordinance Amending Section 8.70.020 of the Selah Municipal Code, "Parking Prohibited on Certain Streets", Providing for Severability; and Establishing an Effective Date. Roll was called: Council Member Wickenhagen – yes; Council Member Matson – yes; Council Member Burke – yes; Council Member Peterson – yes; Council Member Bell – yes; Council Member Carlson – yes. By voice vote approval was unanimous.**

P. Public Appearances                      **None**

Q. Reports/Announcements

1. Departments

Police Chief Hayes said that they currently have five in the Yakima County Jail, three of which are a higher rate, one is female, and that while one higher rate was all theirs, the other two were split with another agency.

Council Member Burke asked if the fifty-fifty split was a cheaper rate than Sunnyside.

Police Chief Hayes answered that with the rate increase it would be two dollars cheaper. He noted that February 3 is the first night of the 2020 Citizens Academy, which runs from 6 to 8:30pm.

Community Development Supervisor Peters gave an brief update on the Planning Department, including sub area plan development; starting the process to get a land use analysis done on the Urban Growth Area, doing an in depth look at needs for commercial property, residential two-family through multi-family development, and opportunities for underdeveloped areas, looking at proposed changes to zoning and land use along with vacant and developable land with steep slopes and undevelopable areas; and the start of the Planning Commission's process to amend the Comprehensive Plan for proposed individual land rezones by developers and land owners.

City Attorney Case said that the civil litigation for the Owens property as it pertains to the issue of fees would likely have a final decision at the Superior Court level this coming Friday, which would then trigger the thirty-day window for appeal with enough time to have an executive session to discuss the matter if Council desired.

## 2. Council Members

Council Member Carlson commented that the Citizens Academy is a good group of meetings and education. He expressed concern that the City had spent half a million dollars the past year on a single engineering firm, opining that if they create levels of competition that would also create opportunities. He reminded his fellow Council Members that Public Works Director Henne had talked at their retreat about having a second engineering firm and he would like to see where that comes into play, with all contracts coming out to bid after a few years. He acknowledged Council Member Wickenhagen's point about HLA and their strengths, they are stronger because they know our community, but felt that by not using other engineering firms there would never be anybody who knows their community better than HLA. He thought they needed to come up with a process on all contracts over a certain value where they go out to bid, and in some cases have a secondary vendor who participates and gets business.

Council Member Bell commented that he and his wife would be attending the Citizens Academy. He said that he had a different approach with regard to HLA, as he was one of the people who evaluated the other engineering firms from the recent bid, and felt that it wasn't just a matter of whether someone else could come in but also the vast expertise and variety that HLA could provide, and that being local was only one of the criteria they were rated on. He gave a brief update on the pool, saying that they were very close to meeting the requirements for an occupancy permit. He noted that the Make A Splash fundraiser would be held at the Civic Center Saturday night to raise money to operate this summer on a modified season. He expressed concern that an issue before this Council several meetings ago was determined to be so important that it was tabled due to a Council Member's absence, yet when he was unable to attend the next meeting they took a vote on the matter anyway. He felt that there were two things wrong with that, the first being that tabling wasn't the correct motion because that has to be brought up before they adjourn or it drops completely, while the second issue was that if they postpone an item due to a Council Member's absence then it shouldn't be voted on at another meeting if a different Council Member isn't present.

Council Member Peterson had no report but said he was glad to be there.

Council Member Burke had no report but apologized to Council Member Bell, saying that the reason he tabled it the first time was because the only person he knew who was opposed to it at the time wasn't in attendance and he didn't want to ask people to vote to circumvent that absent individual.

Council Member Bell responded that no apology was needed, he simply wanted the full Council to be aware of how they conduct their business.

Council Member Matson had no report.

Council Member Wickenhagen remarked that he also reviewed the bids for City Engineers, and that his suggestion would be to look at hiring a person to do a lot of what they do, as a vast amount of the jobs they did dealt with road projects.

City Administrator Wayman replied that it was something they could study.

3. City Administrator

City Administrator Wayman said that they have seven candidates to interview for the vacant Council position and suggested starting the study session of interviews at 4pm.

Council Member Carlson inquired as to what would happen if they couldn't come to a decision prior to the start of the Council Meeting.

City Administrator Wayman answered that they would go into an executive session after the Council Meeting starts to review the applicants, then go back on the record to vote on a new Council Member.

Council Member Carlson stated that he was good with a 4pm study session if the executive session was done during the regular Council Meeting.

Council had a consensus to start the study session at 4pm.

City Administrator Wayman stated that they would schedule the study session for 4pm, and would notify the candidates accordingly. He went on to say that they would pick numbers out of a hat to determine position, with ten minutes each for presentation. He remarked that he was reviewing contracts for Council, and discovered that the BDI contract expired at the end of 2018, with the stipulation that it could continue on a year to year basis if they were satisfied and had no changes. He said that he would have additional details at the next meeting for Council to consider.

4. Boards

a. Planning Commission Minutes for December 3, 2019

5. Mayor

Mayor Raymond presented Council Member Matson with an AWC certificate of municipal leadership. She said that Perry Tech has invited the Council to an open house lunch and tour of their facility, and provided her with the dates of February 6, 19, or 20 as options, with a start time of 11am. She asked if any Council Members were interested in attending, and on which date.

Council Member Carlson asked if all three dates were open.

Mayor Raymond answered that they needed to pick one date, narrowing it down to either the 6<sup>th</sup> or the 19<sup>th</sup>, and requested that anyone interested in going contact her with the date they prefer.

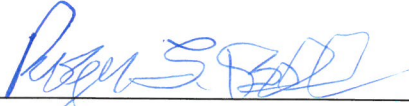
P. Executive Session                      **None**



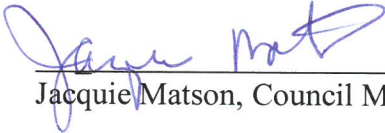
Q. Adjournment

**Council Member Bell moved, and Council Member Carlson seconded, that the meeting be adjourned. By voice vote, approval was unanimous.**

The meeting adjourned at 7:32pm.



Roger Bell, Council Member

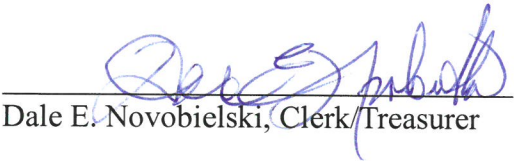


Jacquie Matson, Council Member



Jeremy Burke, Council Member

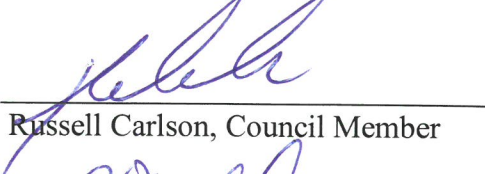
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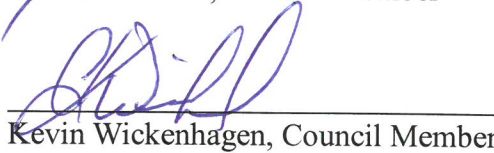
Dale E. Novobielski, Clerk/Treasurer



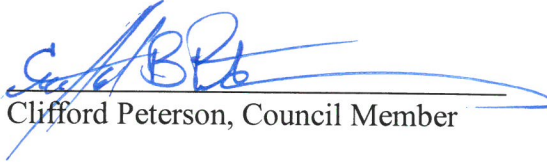
Sherry Raymond, Mayor



Russell Carlson, Council Member



Kevin Wickenhagen, Council Member



Clifford Peterson, Council Member